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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,928

11/03/2003

William T. Campbell

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05/17/2005

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EXAMINER

REHM, ADAM C

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/700,928	Applicant(s) CAMPBELL ET AL.	
	Examiner Adam C. Rehm	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the third illumination source and second NVIS filter adjacent to third illumination source, which is the subject of Claims 9-11, 16 and 17 must be shown or the feature(s) canceled from the claim(s). Notably, no new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 9-11, 16 and 17 refer to a third illumination source comprising a third mode and a second NVIS filter. The specification provides no teaching for employing such.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 9-11, 16 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter regarding the claimed third illumination source for a third mode adjacent a second NVIS filter lacks adequate description. Specifically, the description fails to define the type of light source and filter and their relationship to the third mode, given the system described is directed to a dual mode.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Given the broadest interpretation, Claims 1, 4-8, 12, 14 and 15 are rejected

under 35 U.S.C. 102(e) as being anticipated by JOHNSON (US 6,842,204).

6. In regards to Claim 1, JOHNSON provides: at least one first illumination source (120 of Fig. 1) comprising a first mode (Column 3, Lines 3-8); an NVIS filter (160) adjacent to said at least one first illumination source (120), at least one second illumination source (150) comprising a second mode (Column 4, Lines 19-23); and a filter means (160) adjacent to said at least one second illumination source (150) for suppressing an excitation of said at least one second illumination source (150) caused by said at least one first illumination source (120).

7. Notable, with respect to the term “suppression” and JOHNSON Figure 1, it is possible that upon activation of the first illumination source (120), light would travel to the second illumination source (150) and cause excitation. Light produced by the second illumination source would then be suppressed and otherwise contained within unit 100 by use of the NVIS filter 160.

8. Regarding Claim 4, JOHNSON discloses at least one first illumination source with at least one light emitting diode (120) comprising a first color (Column 2, Lines 63-67) and at least one second illumination source with at least one light emitting diode (150) comprising a second color (Column 2, Lines 63-67).

9. Regarding Claim 5, JOHNSON discloses a filter (160) for attenuating a first predetermined wavelength and for transmitting a second predetermined wavelength (Column 3, Lines 44-49).
10. Regarding Claim 6, JOHNSON discloses a filter means (160) for attenuating phosphorescent light emitted by the at least one second illumination source (Column 3, Lines 44-49 and Figure 1).
11. Regarding Claim 7, JOHNSON discloses a filter means (160) that is a hot mirror (Column 3, Lines 44-49).
12. Regarding Claim 8, JOHNSON discloses a filter means (160) that is a notch filter (Column 3, Lines 44-49).
13. Regarding Claim 12, JOHNSON discloses filtering a first illumination source (120) comprising a first mode (Column 3, Lines 3-8) with an NVIS filter (160); suppressing (Figure 1) an excitation of a second illumination source (150) comprising a second mode (Column 4, Lines 19-23) caused by said first illumination source (120) with a filter (160).
14. Regarding Claim 14, JOHNSON discloses suppressing via attenuating a first predetermined wavelength and for transmitting a second predetermined wavelength (160 and Column 3, Lines 44-49).
15. Regarding Claim 15, JOHNSON discloses attenuating phosphorescent light emitted by the at least one second illumination source (160, Column 3, Lines 44-49 and Figure 1).

Allowable Subject Matter

16. Claims 2, 3 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Notably, these claims incorporate exposure-limiting apertures into the claimed invention. Examiner was unable to locate a prior art reference that employs apertures as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. BRANNON ET AL. (US 4,722,028) discloses a device having an illuminated display for use in either night or day environments having a plurality of filters.

18. KLEIN (US 4,934,793) discloses an NVG Compatible LCD with a plurality of light sources.

19. FARRELL (US 5,143,433) discloses a night vision backlight system for an LCD having slots positioned between first and second light sources.

20. ABILEAH (US 5,262,880) discloses a night-vision compatible LCD with an IR filter that attenuates light among a sharp cutoff between various wavelengths.

21. ABILEAH (US 5,479,275) discloses a backlit LCD having a plurality of light sources and night and day modes.

22. ABILEAH (US 6,111,622) discloses a backlit LCD with day and night modes and having a filter with a sharp cutoff IR filter.

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23. WILHELM ET AL. (US 6,758,586) discloses an LED lighting system that is compatible with a night vision imaging system.

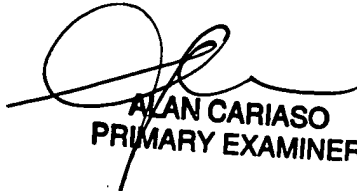
24. DELOY ET AL. (US 6,789,921) discloses an LED dual-mode backlight system having a plurality of filtering layers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F, 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR
May 12, 2005


ALAN CARIASO
PRIMARY EXAMINER